

THE INSTITUTE OF SUMMARY CRIMES: DETERMINATION OF NOTION

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The summary crime is when a person has committed several crimes, and at least two of them have their own penal value. The term '*institute of summary crimes*' has been used in the Ukrainian and foreign legal literature since the late 1960-s as a generic term denoting a relatively independent criminal-and-legal phenomenon when one person or a group of people commits several crimes.

It is important to state that not every criminal code of the Europeans countries uses the term 'summary crimes'. Thus, this term needs further determination in the theory of law, though legal practice confirms that the institute of summary crimes is provided by every legal system.

As far as the characteristics of the summary crimes are concerned, the scientists suggest different classifications. For instance, I.O. Zinchenko considers two types of such characteristics: quantitative and qualitative ones. The quantitative characteristics mean that a person or a group of people has committed several crimes [1]. The qualitative characteristics demand that: 1) every illegal action committed by a person/group of people has to be considered by the Criminal Code as a single crime; 2) illegal actions in the summary crimes have to be legally significant; 3) the accused person should be brought to justice without procedural obstacles [2]. The statistics proves that almost every criminal has committed more than two crimes. Moreover, every third crime is committed by a recidivist. The recidivists often commit serious crimes and sometimes they can create a group of people that commit such crimes in complicity.

To have a proper knowledge of a summary crime it is necessary to understand the meaning of a single crime. Under the Criminal Code a single crime is a crime that is included in a group of other crimes committed by a person or a group of people. The Criminal Code of Ukraine gives us the classification of the summary crimes and the theory of criminal law of Ukraine suggests the classification of a single crime [3]. These statements help judges to make decisions when considering cases in court.

Thus, the summary crime is one of the most complicated institutes in criminal law. Unfortunately, the Criminal Code does not determine the term 'summary crime', and despite the fact that many scientists have analyzed this institute, there are still a lot of theoretical problems to be further investigated in the theory of criminal law.

References

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